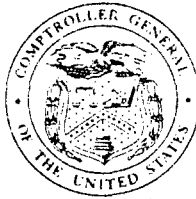


DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

Protest of National Labor Relations Board Contract Award

FILE: B-201350

DATE: April 10, 1981

MATTER OF: Interstate Court Reporters, Inc.

DIGEST:

1. Protester's contention that it did not file timely protest because it was assured by contracting agency that question being raised was not significant is not acceptable reason for not filing a timely protest.
2. Protester's contention after bid opening that solicitation is defective because estimated quantities of duplicate copies were not accurate is untimely under Bid Protest Procedures.
3. GAO is unable to conclude that it was unreasonable for contracting agency to determine that bid price for furnishing duplicating services to public was reasonable given information furnished by bidder to contracting agency and rates quoted by other bidders.

Interstate Court Reporters, Inc. (ICR), protests on several grounds the award of a contract to Acme Reporting Company, Inc. (Acme), under invitation for bids (IFB) No. 041-81-0001 issued by the National Labor Relations Board (NLRB) for stenographic reporting and transcription services.

The protest is dismissed in part and denied in part.

The first ground of protest is against the method used by NLRB to evaluate the reasonableness of bid prices for duplicate copies of transcripts furnished to the public. This was originally protested before bid opening to the NLRB. On October 31,

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1980, the NLRB issued to all bidders a clarifying amendment of the IFB and responses to the questions raised by ICR. In a separate letter to ICR of the same date, the NLRB advised ICR that the amendment and responses were in reply to its protest. The NLRB argues that the protest to our Office is untimely under our Bid Protest Procedures, 4 C.F.R. part 20 (1980), in that ICR did not protest to our Office until November 25, 1980. ICR does not deny the contention. In mitigation, ICR contends that the reason it did not protest earlier is that it was assured by the NLRB that the questions it was raising were not significant. However, that is not an acceptable reason for not filing a timely protest under the exceptions provided for in the Bid Protest Procedures. 4 C.F.R. §20.2(a)(1980). Therefore, this grounds of protest will not be considered on the merits.

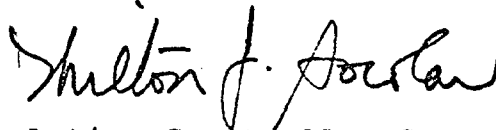
ICR also argues after bid opening that the IFB is defective because the estimated quantities of duplicate copies were not accurate. A protest after bid opening as to the validity of the estimated quantities in the solicitation is untimely under the Bid Protest Procedures and, therefore, not for consideration. Armada, Inc., B-197175, January 22, 1980, 80-1 CPD 65; Columbia Loose Leaf Corp., B-189943, September 19, 1977, 77-2 CPD 203.

Essentially, the remaining portion of ICR's protest is that the Acme bid for reporting services to the Government is so low and the bid for duplicating for the public is so high that the bid for public services must include reporting costs for the Government with the result that the bid for public services is unreasonable as to price. In support of this contention, ICR has furnished the results of a market survey of commercial duplicating companies indicating a range of prices of \$0.05 to \$0.275 per duplicated copy, substantially less than the \$0.85 per duplicate copy quoted by Acme.

Acme was required to submit to the NLRB a detailed computation supporting the bid price for the duplicated copies. From a review of the material submitted, the NLRB determined that the

price for the duplicated copies was reasonable. We note that the \$0.85 bid for each duplicated copy was within a range of \$0.75 to \$0.95 bid by other bidders whose prices were more than Acme's for the reporting services.

Here, even accepting the results of the market survey as accurate, given the information furnished by Acme to the NLRB and the rates quoted by other bidders for the same services, we are unable to conclude that the NLRB determination was unreasonable. CSA Reporting Corporation, B-196545, June 20, 1980, 80-1 CPD 435.



Acting Comptroller General
of the United States